



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,744	10/17/2003	Louis Lagler	P56915	8343

7590 02/15/2006
Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington, DC 20005-1202

EXAMINER

MAH, CHUCK Y

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Specification

1. The disclosure (substitute specification filed on Jan. 20,2006) is objected to because of the following informalities:

Page 6, line 7, "Fig. 2" does not match the figures of the drawings.

Page 7, line 2, "10a, 10b shows" should be --10a and 10b show--.

Page 18, line 14, "rvom" seems to be --from--.

Page 20, line 14, "rectangle 55" does not match the numeral of the figures.

Page 21, line 9, "plane 60" does not match the numeral of figure 11.

Page 23, line 10, "50.1-50.5 of Figure 12" does not match the numerals of figure 12.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 30-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 30, line 6, it cannot be understood how "a plurality of bending regions" are structurally connected to a "resilient area" and "at least one of said connection arms". For each of the arms, the disclosure shows only one bending region (e.g. 34.1) located between the resilient area (40.1) and the arm (33.1).

Further, line 6, it cannot be understood how the “bending regions” are structurally related to the “transmitting region” to perform “transferring energy between said resilient area and said at least one of said connecting arms”, while the “transmitting region” is interposed between the resilient area and one arm.

Lines 7-8, “while joining each of said connecting arms to both of said first hinge part and said second hinge part...” is contrary to lines 4-7 of the claim because it is not possible for the “bending regions” to join “each of said connecting arms to both of said first hinge part and said second hinge part”, since lines 6-7 of the claim limit the “bending region transferring energy between said resilient area and said at least one of said connecting arms” and line 4 of the claim limits the “resilient area” only as part of “a second hinge part”. That is, in order to satisfy the condition of “between said resilient area and said at least one of said connecting arms”, the “bending regions” must only join the resilient area of the second hinge part and one of the arms. As it is not claimed, the invention raises uncertainty of operability.

Lines 9-10, it is not clear what is being defined as “two arcuately distinct stable position”.

In claim 31, lines 2-3, it is not clear what “said resilient area provided on at least one of said first and second hinge parts” is referring to. Claim 1 only addresses “a second hinge part comprising resilient area”.

Art Unit: 3677

In claim 33, it cannot be understood structurally how the newly introduced limitations “an open hinge stable position” and “a closed hinge stable position” are being defined over the “two arcuately distinct stable positions” stated in claim 1.

In claim 32, line 11, “said hinge arrangement is actuated” is not understood.

Line 12, “said bending region” should be “said bending regions”. Further, it is not clear how “transmitting regions” are being structurally incorporated into “at least one of said bending regions”. Note that “at least one” includes an embodiment having one bending region.

Lines 14-15, it is not clear exactly how many “transmitting regions” and “bending region” in the arrangement.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

Art Unit: 3677

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 30-33, as best as understood, are rejected on the ground of nonstatutory double patenting over claims 1-27 of U. S. Patent No. 6,634,060 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: a plurality of space-apart torsionally stiff connecting arms, first and second hinge parts, a plurality of bending regions, a plurality of resilient areas and a plurality of transmitting regions.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 30-33, as best as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Nozawa (5,148,912). '912 has a first hinge part 1, a second hinge

Art Unit: 3677

part 3, connecting arms 7, bending regions 10 and 11, transmitting regions (any regions of the hinge parts immediately connected to the bending regions), and resilient regions (any regions of the hinge parts immediately connected to the transmitting regions). Note that "torsionally stiff" is a relative term and is an inherent characteristic.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571)272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah
Primary Examiner
Art Unit 3677

CM